

**PLANNING BOARD MEETING MINUTES  
TUESDAY, FEBRUARY 21, 2006**

**MEMBERS PRESENT:** Jay Cruz, Chair  
Paula Caron, Vice- Chair  
John DiPasquale  
Paul Fontaine, Jr.  
Mike Hurley  
Nancy Maynard  
Linda Nicholopoulos  
Yvette Cooks (associate member)

**PLANNING OFFICE:** David Streb, Mike O'Hara

**Call to Order**

Meeting called to order at 6:05 p.m. in the Veteran's Room, First Floor, City Hall.

**Communications**

ZBA applications, agenda, minutes were passed out to the Board members.

Correspondence

CTPC Brochures was passed out to the Board members. Three or four Planning Board members were interested in attending at \$50 each.

ZBA minutes

Issues of Planning Commissioners Journal were distributed.

**Meeting Minutes**

Motion made and seconded to approve minutes of the January 17th (CDBG hearing). Vote unanimous to approve.

Motion made and seconded to approve minutes of the January 24<sup>th</sup> as corrected by Ms. Caron. Vote unanimous to approve.

**ANR Plans**

Lee Realty Trust (Donnelly), Mt. Vernon St

Three "infill" lots approved by the Planning Board in 2005. (Special Permit #02-10)

Lee Realty Trust (Donnelly), Knowlton Terrace

Two "infill" lots approved by the Planning Board on 2005. (Special Permit #05-12)

Westminster Hill Road / West Street, Larkin

Applicant Mr. Larkin & John Sullivan, P.E. presented plan with topography. Ten lots, plus one "rear lot". Access is steep from Westminster Hill Road -- 30% slope. Pointed out that approval under the Stormwater Management & Erosion Control Ordinance would be required. Mr. Sullivan also said that approval under the Conservation Commission would be required for many of the lots. He indicated that he will be taking out a lot of earth material to make the lots buildable. A minor error in the plan was noted and corrected.

High Rock Road, Lemieux

Five lots, including one "rear lot". Jim Gaffney explained the rationale for the design of the lot lines was to include only area of the site that would perc. Septic designs by Timothy Beauchemin of Townsend have been approved by Board of Health. Concern raised by Board regarding common access of septic land in rear of the five lots, as some lots narrow down to 15 feet in some cases to access the site.

## **MINOR SITE PLAN REVIEW**

None

## **PUBLIC HEARINGS**

### **Special Permit - Pandiscio, "Wanoosnoc Estates" (cont'd from 12-20-06)**

*Members able to vote: Caron, Cruz, DiPasquale, Hurley, Maynard, Fontaine, Cooks (associate member)*

Hearing was re-opened at 6:42 p.m.

A faxed letter was received from Atty. Mark Bodanza regarding the fact that they were not ready.

Mike O'Hara stated that the applicant knew of the request for additional information and review fees right after the December meeting.

Ms. Caron asked if we had any information regarding the applicant's willingness to move forward.

Mr. DiPasquale wanted to know what our options were.

Mr. Cruz said that the Board could vote to continue, or give leave to withdraw (upon petitioner request).

Ms. Cooks stated that the Board had told Mr. Pandiscio he needed to pay fees and that we needed more information, and that she was totally frustrated with him. She thought that the Board should vote on the matter. She also said that the public has better things to do than come down to a meeting and waste their time.

David Streb said that it is critical the Board allow enough time for the new information and the peer review of the traffic and finishing the water impact study before schedule another hearing.

Clarification as to how many members can vote: The Board has seven members that can vote.

Ms. Caron said to let the record show that we're not holding up the process.

Mr. Cruz proposed that this review fees (\$4,800 for Weston & Sampson & \$3,900 for Vollmer Assocs. peer review) must be received in two weeks (3/7/06) so traffic plan can be reviewed, and water study and balance of list by March 14, one week before the meeting.

Atty. Bowen said that if the Board recalled, Mr. Pandiscio said that he has given the Board all the information he is going to give. On top of this, he sent a vague fax not even asking for a continuance.

Mr. Cruz: we're giving Mr. Pandiscio the benefit of the doubt by giving them one more month.

Public Comment:

Heather Berlied, 80 St. Martin St. – Mr. Pandiscio isn't here. How long ago did he send that fax for him to not show up.

Terry Thomas, 7 Damon Rd. – we want to keep this as a single family area.

Steven Holt, 152 Olin Ave. – what's the process? The Board was not sure. Also, Steven Morand of the Fire Dept. said that there should be two access points.

Jerry Testagrossa, 26 Maplewood Terrace – no way he can make this in 15 days.

Mr. Cruz: We need all studies in three weeks, the money in two weeks.

John Beauchesne, 30 Olin Dr. – How much is the fee estimate? \$3,900 for traffic review, \$4,800 for Weston & Sampson's water study, reduced from \$6,200.

Keith Dooling brought a memo from David Streb regarding the bridge over Wanoosnoc Brook.

Phyllis Eckfelt, Mt. Elam Road – Mr. Pandiscio is giving us a message loud and clear that he doesn't care about the city.

Atty. Bowen – Is there a deadline by which the Board has to act?

Mike O'Hara – the regular Special Permit procedure in Ch. 40A requires decision 90 days after the close of the Special Permit public hearing. The hearing has not been closed yet.

Motion made & seconded to continue the hearing until the next meeting. Vote 6-1 in favor.

### **Definitive Subdivision Plan - Tully, "Shattuck Estates", Ashby West Rd.**

*Members present: Caron, Cruz, DiPasquale, Fontaine, Hurley, Maynard, Nicholopoulos*

Atty. Jim Burgoyne represented Dawn Tully. Gary Shepherd of David Ross Assocs. wasn't able to attend, but he is available to answer questions about the submittal. Since early 2004 Dawn Tully has been working with the engineer. Previously a plan showing 12 lots on Shattuck Street was submitted. A plan was subsequently prepared to show the improvements to the road was denied by the Conservation Commission. The denial was appealed to DEP. A Superseding Order of Conditions was granted by the DEP and appealed by the city.

Also, the City modified the zoning in the area affecting the property, so the current plan was submitted in January.

Mr. Streb asked if any of the reasons for the submittal was to preserve the applicant's rights under the previous zoning ordinance. Atty. Burgoyne said that it was.

Mr. Fontaine said that the current plan doesn't make sense; it was his belief that the lots need not be that big, according to the lot frontage & size requirements.

David Streb pointed out that they wanted a plan that was absolutely approvable and didn't require any waivers.

John Deline of the Water Dept. submitted a letter with his comments and reiterated his request for a continuance.

Ms. Caron wants to eliminate cul-de-sac and locate houses closer to the road rather than long driveways.

Motion made & seconded to continue the hearing until April 18th at 6:30 p.m. Vote unanimous in favor.

#### **Special Permit for Flexible Development & Definitive Subdivision Plan - "Deloge Heights", Phase IV, off Tibbett Circle**

*Members present: Caron, Cruz, DiPasquale, Fontaine, Hurley, Maynard, Nicholopoulos, Cooks (associate member)*

Public Hearing was opened. Atty. Watts, on behalf of Deloge Heights, Inc., gave a brief history of the three previous phases. Now for the 4th phase. This was a both a definitive subdivision and a Special Permit submitted under the "flexible" development section since the applicant was seeking reductions in the lot size and lot frontage requirements. The plan was a follow up of the earlier preliminary plan submitted in 2005, prior to the date of the Zoning amendment that increased the lot size & lot frontage in the watershed protection overlay district.

Previously he showed a five-lot subdivision, showing that the site is capable of five lots. They are requesting a Special Permit under the flexible development application which uses the site better. The site abuts Bovenzi's condo development (Bridle Cross). They are proposing three houses off a single common driveway. It is 500 feet long with a turnaround. Engineering is requesting a cul-de-sac, but it is not going to be a city-owned street. Also includes a 4th rear lot to the east.

The Fire Department has requested a 24-foot wide paved way and a paved turnaround. Bill Gates stated that in his firm's opinion, the driveway and turnaround will accommodate fire apparatus.

Ms. Caron - where's the open space? Mr. Watts advised that the dark green area at the perimeter.

Ms. Caron - stated that it did not meet the requirement of the ordinance. Mr. Watts says he is reading 181.74. Ms. Caron says that she is reading Sec. 181.75 regarding ownership of the contiguous land. If it was separate, then it could be used by the public. What is proposed can only be used by the individual lot owners.

The driveway is 18-feet wide.

Ken Savage, 105 Tibbett Circle, an abutter. His concerns regard the contour of this section of land. He wants a section of land from the developer behind his house, maybe 65' x 123', or .81 acres. The detention basin in front of his house has been conveyed to this City of Fitchburg.

Mr. Cruz likes the lower three lots, but is concerned about the top lot. Mr. Watts says that the rear lot didn't previously exist. It was assembled land of Pappas granted in exchange for the sewer easement.

Mr. Fontaine brought up the broken sign at the Rollstone Road entrance. Atty. Watts said the sign would be repainted by the developer.

Bill Gates explained that two existing lots were shifted slightly to allow a 40-foot lot width for the rear lot. He said that they could easily be modified by an ANR plan.

Hearing closed.

Motion made & seconded to approve a Special Permit for flexible development and Definitive Subdivision for six lots, including the three on a common driveway (Lots 62, 63 & 64), the rear lot (Lot 61), and two additional lots on Tibbett Circle (Lots 14B & 15B), subject to conditions:

- Typical conditions on common driveway
- Address markers on driveway for each dwelling

Vote: 7-0 to approve Special Permit. & Definitive Subdivision plan.

**Special Permit - Sprint Spectrum L.P., Sundial, 29 Merriam Parkway, wireless communications facility**

*Members present: Caron, Cruz, DiPasquale, Fontaine, Hurley, Maynard, Nicholopoulos, Cooks (associate member)*

Public Hearing was opened. Presentation by Timothy Greene, consultant for Sprint. Two repeaters on top, 7" x 4" x 54" high, plus two donor antennas. Two repeaters would be flush-mounted on the side of the building, painted to match, and two would be 3 feet above the roofline pointing east.

Mr. Greene requested a waiver from the balloon test and a visual impact map.

Steve Hay representing the Sundial spoke in favor of the application.

Public hearing was closed.

Motion by Mr. Fontaine, seconded by Ms. Maynard, to grant a Special Permit for a Wireless communication facility including the requested waivers, subject to conditions, including requesting an annual inspection with reports to Building Department. Vote: 7-0 to approve.

**OTHER BUSINESS**

**2006 CDBG Planning Board recommendations**

Mr. Cruz, Ms. Maynard & Ms. Cooks recused themselves due to potential conflict of interest due to their being on the Board of certain non-profits that are applicants for CDBG funding this year.

The Board asked staff several questions about Green Acres fence, the mentoring program, Boys & Girls Club, the reduction in the Downtown Coordinator position and the reduction in drug overtime money, but elected to not make any changes to the staff recommendations.

Motion made & seconded to submit the Planning Board's recommendations to the Mayor in the amounts as noted in the Planning Office's recommendations.

Vote: 5-0 to approve.

Meeting adjourned: 9:45 p.m.

*Next meeting: March 21, 2006*

*Approved: 3-21-06*